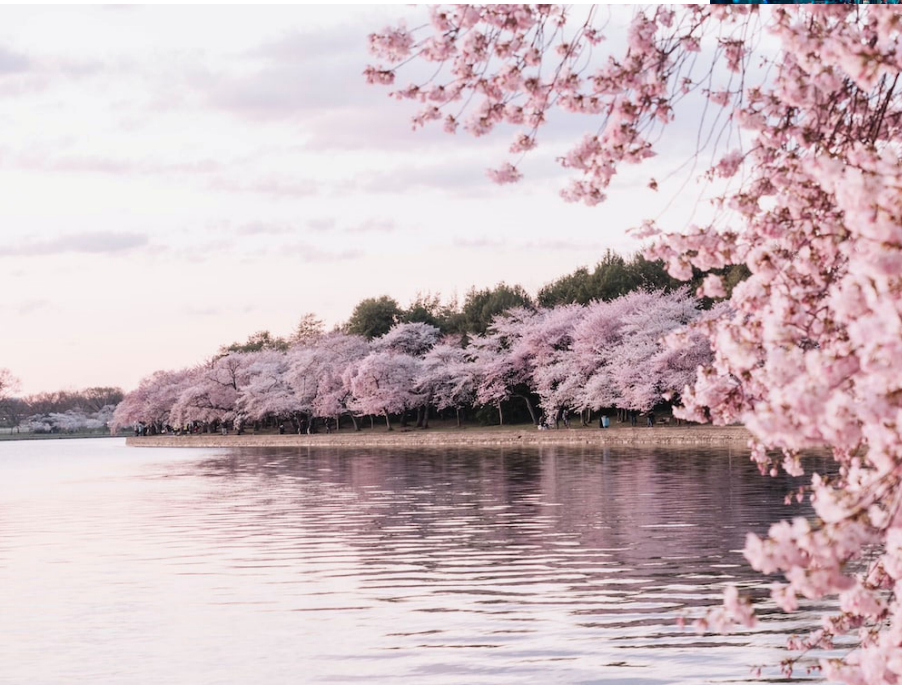


E2EE in Japan

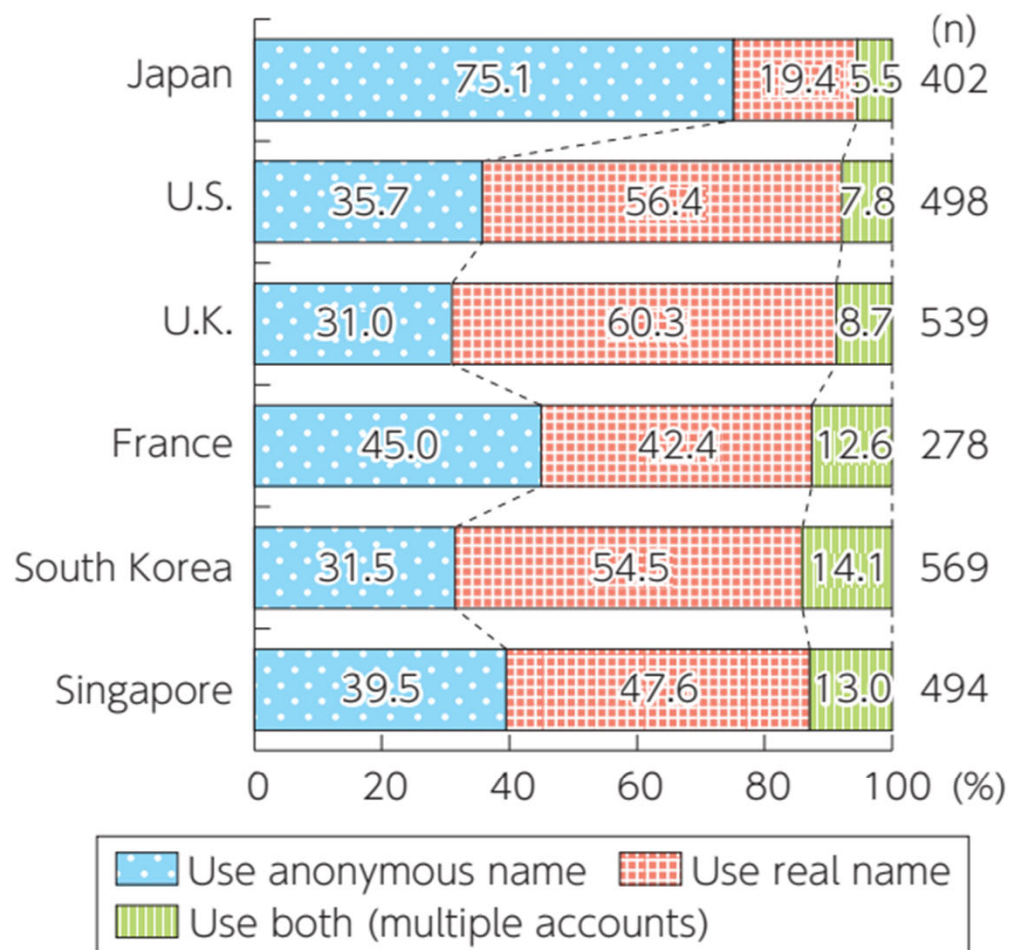
– culture and policy

Hinako Sugiyama

Japanese culture?

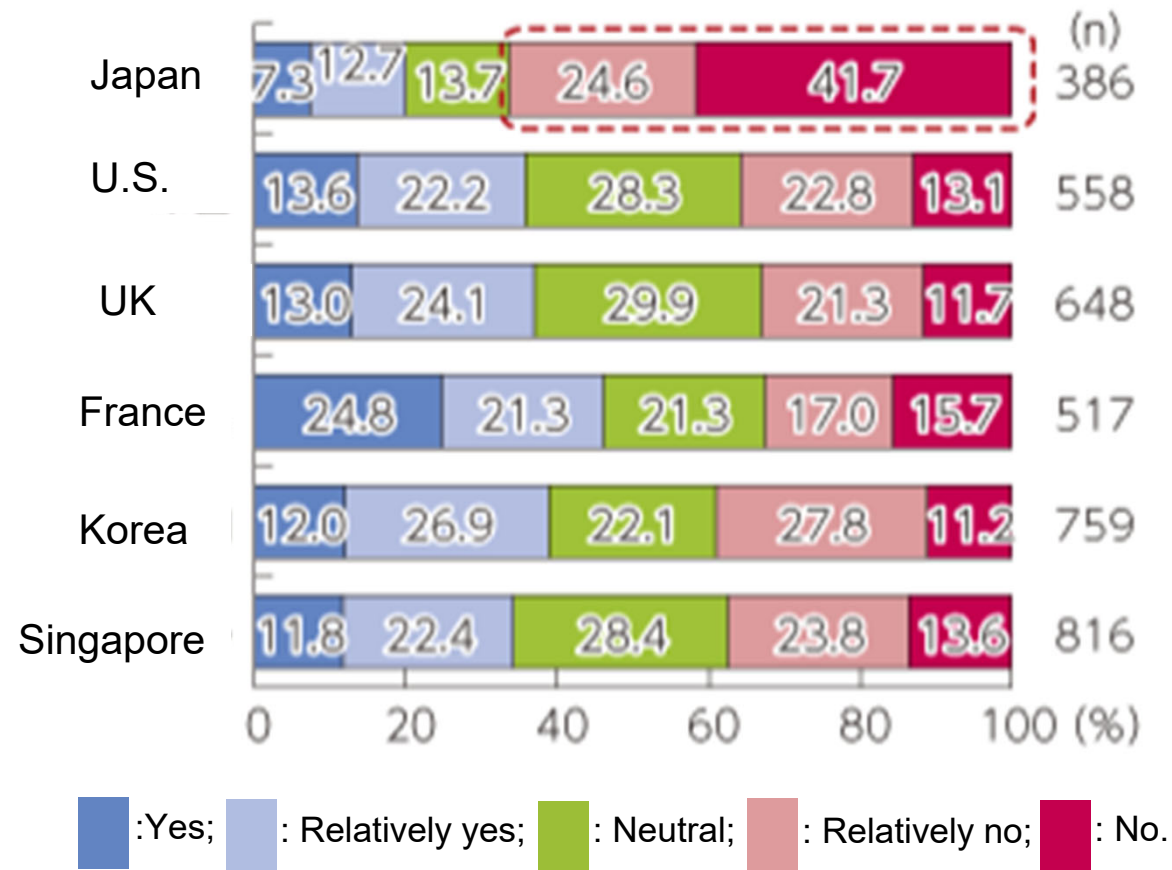


## Use of anonymous names versus real names on Twitter



(Source) "Study Report on the Social Impacts of ICT Advancement," MIC (2014)

## Comfortable with your real name getting revealed on social media?



Source: 2014 White Paper on Information and Communications in Japan, MIC of Japan



# #ProtestAmendmentPublicProsecutorsOfficeLaw



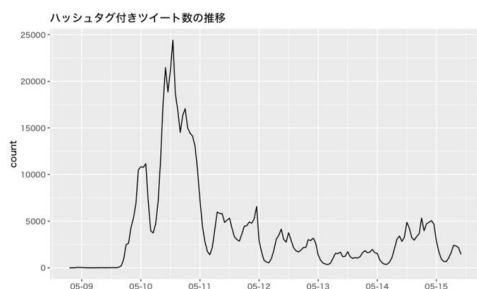
笛美  
@fuemiad

👤1人でTwitterデモ👤

#検察庁法改正案に抗議します

右も左も関係ありません。犯罪が正しく裁かれない国で生きていくたくありません。この法律が通ったら「正義は勝つ」なんてセリフは過去のものになり、刑事ドラマも法廷ドラマも成立しません。絶対に通さないでください。

午後7:40・2020年5月8日・Twitter for iPhone



Source: HuffPost Japan

“The amendment has failed.”



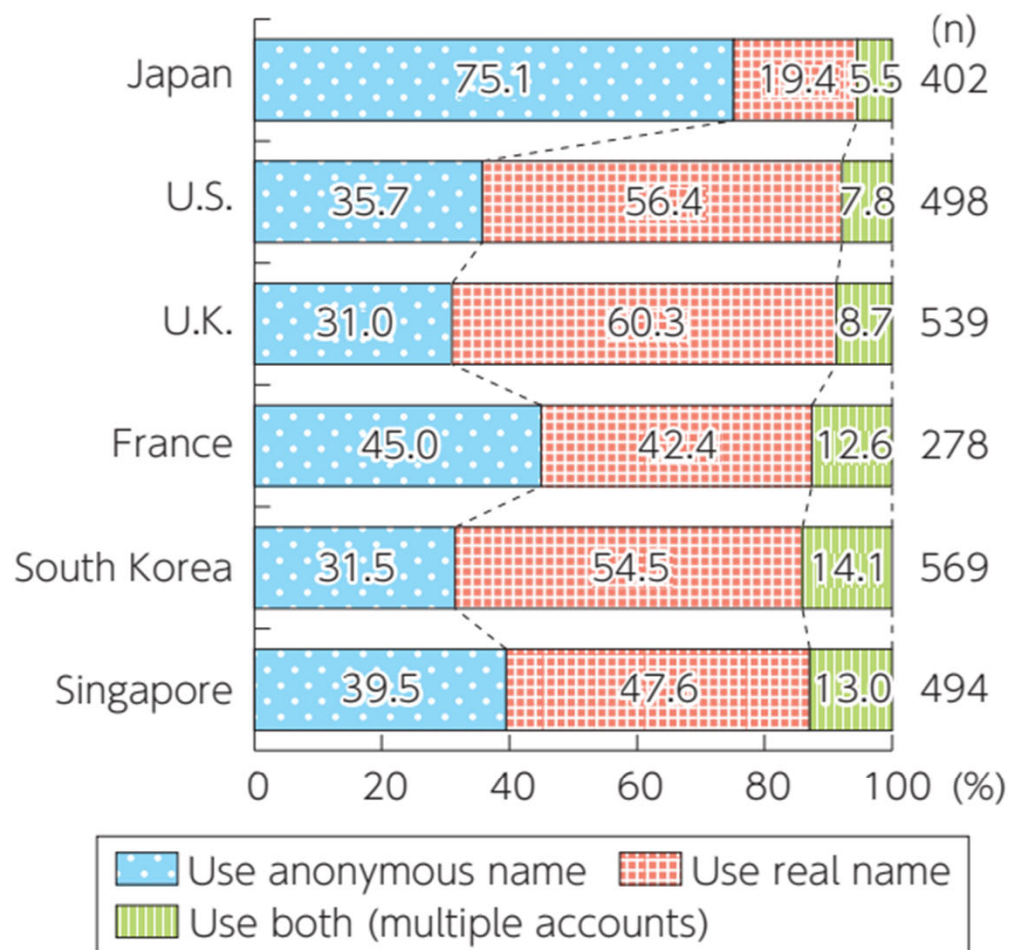
## #KuToo Movement

- Strict dress codes at working place for women
- Japanese words for shoes (kutsu) and pain (kutsuu)
- CEDAW: “persistence of patriarchal attitudes and deep-rooted stereotypes”
- Japan’s low-ranking in gender equality index
  - 107<sup>th</sup> /190 in Word Bank index (2023)
  - 116<sup>th</sup> /146 in World Economic Forum index (2022)



Source: The website of Prime Minister's Office

## Use of anonymous names versus real names on Twitter



(Source) "Study Report on the Social Impacts of ICT Advancement," MIC (2014)

# Japanese culture?

- Top 3 “Japanese-ness” raised by people in Japan
  - Respect and compassion for others
  - Respect traditional cultures and customs and pass them onto the next generation
  - Value family and community ties and emphasize harmony and cooperation
- Top 3 non “Japanese-ness” raised by people in Japan
  - Finding beauty in things that are rational, functional, and utilitarian
  - Following one’s own will without being influenced by authority or power
  - Finding beauty in flashy and gorgeous things



(White Paper on Land, Infrastructure, Transport and Tourism in Japan, 2019)



# Japanese culture?

- A norm: “Read the air”
  - Do what others are doing
  - Refrain from doing what others are not doing unless it is strictly necessary
- Pros and cons
  - Pros: a low crime rate; wearing masks during the pandemic, etc.
  - Cons: not very good at forming or communicating one’s own opinion (C.f., 2018 statistics); **hindering people from speaking up.**
- Severe backlash of speaking up, causing greater chilling effect



# #ProtestAmendmentPublicProsecutorsOfficeLaw



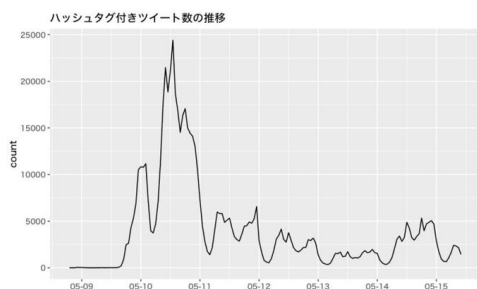
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Source: HuffPost Japan

“The amendment has failed.”



# Japanese culture?

- People needs a space to exercise the right to freedom of expression with anonymity
- Not unique to Japan

## E2EE policy in Japan - LINE



- The most popular messaging app in Japan: LINE
- A platform providing various services - “Life on LINE”
- LINE Corporation, owned by Z Holdings (a subsidiary of Softbank Corp)

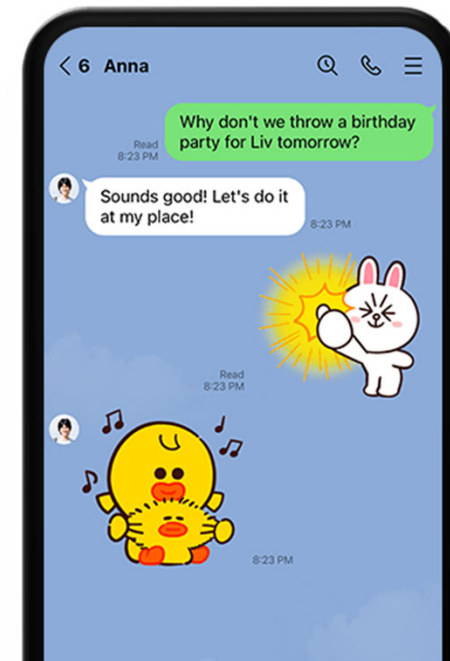




# E2EE policy in Japan - LINE



- LINE's E2EE protocol - "Letter Sealing"
  - Default E2EE on 1:1 and group text messaging (content + location data) since 2015
  - Default E2EE on 1:1 phone/ video calls since 2016
- Annual transparency reporting since 2017
- Strong public commitment to E2EE and transparency
  - Encryption report in English and Japanese
  - Encryption White Paper in English and Japanese
- Scandal in 2021 but enjoys public trust generally
  - A Chinese subsidiary was able to access contents of certain messages



# E2EE policy in Japan – foreign policy



- No position shown before October 2020
- October 2020, Japan joined a Five Eyes' continuous call for a backdoor
  - Aiming at de facto "Sixth Eye" status...?
  - No domestic policy discussion seen at that time
- Seemingly no visible legislative effort, not like the US, EU, and Australia
- Data Free Flow with Trust (DFFT) – E2EE is apparently not on the agenda



## E2EE policy in Japan – domestic policy

- Since 2018, the Ministry of Internal Affairs and Communications (MIC) has been convening expert panels to discuss services of online platforms
- In 2020, a woman in Terrace House committed suicide, being harassed on Twitter by anonymous users
- Sparked a call for the shift to platform regulation
- Directed toward a transparency model like EU Digital Services Act



## E2EE policy in Japan – What's next

- (Again) seemingly no legislative or policy effort to regulate E2EE in Japan
- But...
- Wider public awareness of the importance of E2EE and more robust public debate would be needed